

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62668 of 2017

Arising Out of PS.Case No. -315 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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1. Sanjay Kumar, Son of Devsharan Mandal, Resident of Mohalla- Purab Tola, Ward No.14, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Haridwar Sahni, Son of Banarsi Sahni, Resident of Mohalla- Bikramsila Nagar, Kahalgaon, Ward No.6, P.S.- Kahalgaon, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection with Kahalgaon P. S. Case No. 315 of 2017 registered for offences punishable under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is regarding taking money from the informant with regard to sale/purchase of land, however, neither the land was given to the informant nor the money was refunded to the informant.

Learned Senior Counsel for the petitioner submits that the petitioner is a teacher in a school and has got no connection with the alleged occurrence. From the F.I.R. itself, it appears that



all allegations have been leveled against the wife of the petitioner and not against the petitioner. It is also contended that at best the present case can be said to be a case of Civil dispute and the remedy lies before the Court of competent civil jurisdiction.

It is stated that except one case, bearing Kahalgaon P. S. Case No. 251 of 2014, which is pending against the petitioner, the petitioner has got a fair antecedent

Having regard to the facts and circumstances of the case, I find that as far as the petitioner is concerned, at least he is entitled for grant of anticipatory bail, hence I direct to release the above named petitioner on anticipatory bail in the event of his arrest/ surrender within six weeks from today before the concerned Court on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S.Case No. 315 of 2017, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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